

## **DETAILED ACTION**

### ***Specification***

1. The amendment to the specification, filed 3/23/2009, is hereby objected to and will not be entered. The examiner notes that the amendment to the specification describes an embodiment that does not appear to be enabled in the specification of the present application. Applicant's amendment to the specification describes collecting clickstream data from set top boxes and transmitting the clickstream data to a staging server that merges the clickstream data for subscribers. Clickstream data may include subscriber actions, such as button presses, volume changes, channel changes, etc. Applicant's present specification describes transferring subscriber content choice information from a head-end facility to a clearinghouse. Subscriber content choice information may include subscriber names, identification numbers, geographic locations, demographic information, system names, system locations, system identifications, date identifiers, time identifiers, television program data, advertisement data, radio program data, and Internet program data. It is not apparent from Applicant's instant specification how subscriber clickstream data is pertinent to the present invention, or how the specified transmission formats for transmitting data from the cable operator head-end facility to the clearinghouse, such as that illustrated by the XML document of Figure 2, would include such information. As such, the amendment to the specification will not be entered.

### ***Response to Amendment***

1. The reply filed on 3/23/2009 is not fully responsive to the prior Office Action, because of the following omission(s) or matter(s):

There are no currently pending claims in that the applicant has shifted the invention.

Claims **1-28, 31-37** are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the instant amendment has removed the sub-combination with limitations directed towards collecting subscriber content-choice data from a plurality of service providers and storing it in a clearinghouse database and amended the claim with a sub-combination directed towards receiving clickstream data from subscribers, merging the clickstream data to generate subscriber content choice data, and storing the subscriber content-choice data in a database. Since these sub-combinations have separate utility, such as transmitting subscriber information from a plurality of service providers to a clearinghouse for presentation to requesters, which is not required in transmitting subscriber information from a plurality of subscribers to a service provider for transmission to requesters, the restriction is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims **1-28** and **31-37**, are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid

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abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER  
37 CFR 1.136(a).